

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VERNON R. JOHNSON,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

4:23CV3024

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion Requesting Additional Designation of State Court Records (the "Motion for Additional Records"), [Filing No. 15](#), and Motion to Withdraw Motion for Discharge Judgment and Sentence (the "Motion to Withdraw"), [Filing No. 16](#).

First, in his Motion to Withdraw, Petitioner asks to withdraw his Motion to Vacate Judgment and Discharge of Sentence (the "Motion to Discharge"), [Filing No. 13](#), previously filed with this Court on September 11, 2023. The Court denied the Motion to Discharge on the same date it was filed. [Filing No. 14](#). Accordingly, Petitioner's Motion to Withdraw, [Filing No. 16](#), is denied as moot.

Next, in his Motion for Additional Documents, Petitioner asserts that Respondent's Designation of State Court Records, [Filing No. 12](#), is insufficient and seeks to include (1) the "filings and record of proceedings on preliminary hearing and/or preliminary hearing waiver form on the Amended Information on new charges filed May 1, 2020; and (2) the "indictment, record, service of copy on [Petitioner], [and] arraignment by Douglas County Sheriff." [Filing No. 15 at 1](#) (capitalization and punctuation altered from original). Upon consideration, the Court will require

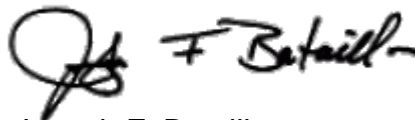
Respondent to file a response to Petitioner's Motion for Additional Documents as set forth below.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Withdraw, [Filing No. 16](#), is denied as moot.
2. Respondent shall file a response to Petitioner's Motion for Additional Documents, [Filing No. 15](#), on or before **October 5, 2023**. Respondent may attach additional records to his response if deemed appropriate.
3. Counsel for Respondent may incorporate the response to Petitioner's Motion for Additional Documents into her brief in support filed with Respondent's answer if she so chooses.
4. The Clerk of Court is directed to modify the previous pro se case management deadline set in this case to the following text: **October 5, 2023**: check for Respondent's answer and brief and response to Petitioner's Motion for Additional Documents.

Dated this 20th day of September, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge